

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**


In re: ACHAOGEN, INC. Debtor.	Chapter 11 Case No. 19-10844 (BLS)
EDWARD E. NEIGER, as Trustee of the Achaogen Plan Trust, Plaintiff, v. CIPLA USA, INC. Defendant.	Adv. Proc. No. 21-50479 (BLS) Re: Adv. Docket Nos. 9, 10, 19, 21, 25

ORDER

AND NOW, this 30th day of January, 2023, upon consideration of the Defendant Cipla's Partial Motion to Dismiss the Complaint under Fed. R. Civ. P. 8 and 12(b)(6) (the "Motion")¹, and the Plaintiff's response thereto, and after oral argument, and for the reasons set forth in the accompanying Memorandum Opinion, it is hereby ORDERED that:

- (1) The Motion is GRANTED as to Count IV (tortious interference with contract) and Count IV is dismissed without prejudice to the Plaintiff to replead; and
- (2) The remainder of the Motion is DENIED as to Counts V, VI, VIII, IX and X.

FOR THE COURT:


BRENDAN LINEHAN SHANNON
United States Bankruptcy Judge

¹ Adv. Docket Nos. 9, 10.